REMARKS

The present response is intended to be fully responsive to all points of objection and/or rejection raised by the Examiner and is believed to place the application in condition for allowance. Favorable reconsideration and allowance of the application is respectfully requested.

Applicant asserts that the present invention is new, non-obvious and useful. Prompt consideration and allowance of the claims is respectfully requested.

Status of Claims

Claims **1-22** are pending in the application.

Claims **1-13** were withdrawn from consideration.

Claims **14-22** have been rejected.

Claim 14 has been amended in this submission. Applicant respectfully asserts that the amendments to the claim add no new matter.

CLAIM REJECTIONS

35 U.S.C. § 102 Rejections

In the Office Action, the Examiner rejected claims 14-20 and 22 under 35 U.S.C. § 102(b), as being anticipated by Alfano et al. (US Patent No. 6,240,312). Applicants respectfully traverse this rejection in view of the remarks that follow.

The Alfano reference discloses a:

> [r]emote-controllable, micro-scale, robotic device for use in diagnosing and/or treating abnormalities inside a human body in vivo. The device has a length from 0.1 mm to 10 mm and can be introduced into the body either from natural body openings or by injection into the blood stream. Once inside the body, the device

> can be guided to different locations in the body by an outside operator using radio controls and computer software. 2-dimensional image information and spectroscopic information (e.g., fluorescence, absorption, elastic scattering, Raman, etc.) gathered by the device inside the body are transmitted by video and radio signals to a computer located externally relative to the body. The transmitted information is processed, analyzed and displayed by the external computer for use by the outside operator. The outside operator can then make a diagnosis and, if applicable, instruct the device to render a treatment on the examined area. Such treatments include the ablation of tissue using lasers or the like and the binding of ruptured tissues together using chemical glue, UV cured epoxy materials or photochemical or photo-ionization techniques using near-infrared light to weld tissue from absorption at water bands. (Abstract)

In particular, the Examiner has referred to the disclosure of a CCD image sensor and a MEMS switch (col. 2, lines 42-58; col. 6 lines 21-46; and col. 4 lines 25-37). However, these cites to the reference do not disclose every element of the claims at issue. The reference merely states that (at col. 6), that "[t]he filters may be rotated on a MEMS rotation wheels to select different wavelengths to measure light intensities for processing and image analysis to diagnosis."

Regarding the claim element (in the claim as examined), "an external control device, the external control device including at least a magnetic field source producing a magnetic field sufficient to operate the switch," the Examiner referred to a portion in the Alfano reference describing the power source of the capsule. Applicants respectfully disagree that this is relevant to "an external control device, the external control device including at least a magnetic field source producing a magnetic field sufficient to operate the switch," as recited in claim 14.

In any event, the Examiner's rejection is moot insofar as Applicants have amended the claim to recite features that are clearly not present in the Alfano reference, including

"a normally closed magnetic MEMS switch, wherein said switch is electrically connected to a processing circuit and said switch is configured to change a property of the in-vivo device; and an external control device, the external control device including at least a magnetic field source producing a magnetic field sufficient to keep the switch open."

Alfano therefore does not disclose or render obvious each and every feature of claim 14. Accordingly, claim 14, and claims 15-20 and 22, which depend therefrom, are allowable over the Alfano reference.

35 U.S.C. § 103 Rejections

In the Office Action, the Examiner rejected claim 21 under 35 U.S.C. § 103(a), as being unpatentable over Alfano et al. (US Patent No. 6,240,312).

For the reasons stated above, the Alfano reference does not disclose every feature of claim 14, on which claim 21 depends. Therefore, claim 21 is allowable over the Alfano reference.

In view of the foregoing amendments and remarks, the pending claims are deemed to be allowable. Their favorable reconsideration and allowance is respectfully requested.

Should the Examiner have any question or comment as to the form, content or entry of this Amendment, the Examiner is requested to contact the undersigned at the telephone number below. Similarly, if there are any further issues yet to be resolved to advance the prosecution of this application to issue, the Examiner is requested to telephone the undersigned counsel.

Please charge any fees associated with this paper to deposit account No. 50-3355.

Respectfully submitted,

Guy Yonay
Attorney/Agent for Applicant
Registration No. 52,388

Dated: June 18, 2008

Pearl Cohen Zedek Latzer, LLP
1500 Broadway, 12th Floor
New York, New York 10036
Tel: (646) 878-0800
Fax: (646) 878-0801